?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 14.03.2019
*CORAM
THE HONOURABLE MR.JUSTICE N.SESHASAYEE

+Crl.O.P.(MD)No.2015 of 2019

#A.Malaisamy
... Petitioner
/Vs./

$1.The Deputy
Superintendent of Police,
Othakadai Sub Division,
Madurai District.

2.The Inspector of Police, Othakadai Police Station,
Madurai City, Madurai. ... Respondents

Prayer: Petition ~ filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent not to harass the petitioner under the guise of enquiry frequently.

!For Petitioner : Mr.M.Jegadeesh Pandian
^For Respondents : Mr.V.Neelkandan
Additional Public Prosecutor

:ORDER
This petition has been filed to direct the 1st respondent not to harass the petitioner under the guise of enquiry frequently.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. The learned counsel for the petitioner submitted that the petitioner owns a piece of land and entered into an agreement of sale with one P.K.Selvaraj sometime in the year 2006 and some advance amount has been paid. Though the agreement was provided for completing the sale within three years, the said P.K.Selvaraj did not opt to perform his part of the contract. He now complains that the said P.K.Selvaraj is now trying to make use of the second respondent to settle certain issues that flow out of the said agreement of sale.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that the above said P.K.Selvaraj has preferred a complaint and there appears to be money dispute in relation to certain property and the same is being enquired into.

5. Since P.K.Selvaraj is not made a party, this Court did not have an

advantage of hearing him. Prima facie this Court considers that the controversy in the manner narrated by the petitioner appears to involve a civil dispute. Therefore, the second respondent is required to enquire into the complaint, only if it reflects any prima facie commission of crime. For the present, the second respondent is directed to issue summons under Section 41 A Cr.P.C., to the petitioner for him to hold a preliminary enquiry in the complaint which he has received. During enquiry, there shall be no harassment.

6. Recording the said submission of the learned Additional Public Prosecutor, this criminal original petition is disposed of.

To

1.The Deputy Superintendent of Police,
Othakadai Sub Division,
Madurai District.

2.The Inspector of Police, Othakadai Police Station,
Madurai City, Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.